

AMENDED IN SENATE AUGUST 13, 2013

AMENDED IN SENATE JUNE 26, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 483**

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**Introduced by Assembly Member Ting**

February 19, 2013

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~~An act to amend Section 12463 of the Government Code, and to amend Sections 95.3 and 402.5 of the Revenue and Taxation Code, relating to taxation. An act to add Section 53758 to the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 483, as amended, Ting. ~~Property taxation. Local government: taxes, fees, assessments, and charges: definitions.~~

*Article XIII C of the California Constitution generally requires a majority vote of the electorate for a local government to impose, extend, or increase any general tax and a <sup>2</sup>/<sub>3</sub> vote of the electorate to impose, extend, or increase any special tax, and permits the use of the initiative to affect local taxes, assessments, fees, and charges. Article XIII C of the California Constitution also defines a local tax and sets out the categories of charges that are excluded from that definition. Article XIID of the California Constitution generally requires that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local*

*jurisdictions to comply with Articles XIII C and XIII D of the California Constitution, and defines various terms for these purposes.*

*This bill would additionally define the terms “specific benefit,” and “specific government service” for purposes of the Proposition 218 Omnibus Implementation Act.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing property tax law provides, pursuant to a specified formula, for a county auditor’s determination of those proportionate shares of the county’s property tax administrative costs that are attributable to the other jurisdictions in the county, and further provides for a county’s recovery from all other jurisdictions within the county, except for school entities or an Educational Revenue Augmentation Fund (ERAF), of those proportionate shares of the county’s property tax administrative costs.~~

~~This bill would authorize a county, by resolution of its board of supervisors, to recover, at any time commencing with the 2013–14 fiscal year and through the 2023–24 fiscal year, the property tax administrative cost shares attributable to school entities or an ERAF, but would reduce the amounts recoverable for the 2013–14 fiscal year and the 2014–15 fiscal year, as provided.~~

~~This bill would require any county that recovers these additional cost shares to maintain a base level of staffing and total funding for the administration of the property tax system that is equal to or greater than the level of staffing or funding provided in the 2012–13 fiscal year. The bill would require a county that recovers the additional cost shares to use the additional amounts recovered to enhance the property tax administration system, and would prohibit the use of additional amounts recovered to supplant the level of funding that was provided for property tax administration in the 2012–13 fiscal year.~~

~~The bill would also require a county that recovers the additional cost shares to provide the Controller with information that indicates what percentage of general ad valorem property tax is allocated to each local government jurisdiction, and a comprehensive account of all of the local government services funded by general ad valorem property tax revenues. The bill would require the Controller, commencing in the 2014–15 fiscal year, to publish on its Internet Web site, with respect to each county, the percentage of general ad valorem property tax allocated to each local government jurisdiction, and for the 2015–16 fiscal year and each fiscal year thereafter, to make the information available to~~

taxpayers via an interactive, searchable database on its Internet Web site, as specified.

Existing property tax law requires, when valuing property by comparison with sales of other properties, in order to be considered comparable, the sales to be sufficiently near in time to the valuation date, and the properties sold to be located sufficiently near, and sufficiently alike, to the property being valued, as specified.

This bill would make a clarifying change to this provision:

The bill would also require the State Board of Equalization to annually conduct a survey of counties, the results of which shall be presented in a report that is made available to the Legislature and the Department of Finance, on the operation of the provisions of this act.

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~yes~~<sup>no</sup>. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 53758 is added to the Government Code,  
2     to read:  
3     53758. For purposes of Articles XIII C and XIII D of the  
4     California Constitution and this article:  
5     (a) "Specific benefit" means a benefit that is provided directly  
6     to a payor and is not provided to those not charged. Ancillary or  
7     other benefits to nonpayors may be created in the course of  
8     providing the specific benefit to payors. A benefit is not excluded  
9     from classification as a "specific benefit" by reason of a complete  
10    or partial exemption from the levy, charge, or exaction imposed  
11    for that benefit, provided that a levy, charge, or exaction paid for  
12    that benefit is used to provide that benefit only to the payor.  
13    (b) "Specific government service" means a service that is  
14    provided by an agency directly to the payor and is not provided  
15    to those not charged. A "specific government service" may include,  
16    but is not limited to, safety, maintenance, landscaping, marketing,  
17    events, capital improvements, and promotions. A service is not  
18    excluded from classification as a "specific government service"  
19    by reason of a complete or partial exemption from the levy, charge,  
20    or exaction imposed for that service, provided that a levy, charge,  
21    or exaction paid for that service is used to provide that service  
22    only to the payor.

1     *SEC. 2. This act is an urgency statute necessary for the*  
2     *immediate preservation of the public peace, health, or safety within*  
3     *the meaning of Article IV of the Constitution and shall go into*  
4     *immediate effect. The facts constituting the necessity are:*

5     *In order to ensure compliance with the California Constitution*  
6     *it is necessary that this act take effect immediately.*

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9     **All matter omitted in this version of the bill**  
10    **appears in the bill as amended in the**  
11    **Senate, June 26, 2013. (JR11)**  
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